

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

CYNTHIA ANNE DIVEGLIA :
formerly CYNTHIA ANN KAYLOR :

Plaintiff :

v. :

Civil Action No. 1:CV-00-1342

(McCLURE, D.J.)
(MANNION, M.J.)

NORTHWESTERN MUTUAL :
LIFE INSURANCE COMPANY :

Defendant

ORDER

The parties are hereby notified that a settlement conference will be held on **Thursday, July 1, 2004 at 1:30 P.M.**, in Courtroom No. 1, Max Rosenn United States Courthouse, 197 South Main Street, Wilkes-Barre, Pennsylvania.

To that end, counsel are advised that their clients or client representatives with complete authority to negotiate and consummate a settlement shall be in attendance at the final pretrial/settlement conference. This requires the presence of the client or, if a corporate, governmental or other organizational entity, an authorized representative of the client. For a defendant, such representative must have final settlement authority to commit the organization to pay, in the representative's own discretion, a settlement amount up to the plaintiffs' request for relief, or up to the plaintiff's last demand, whichever is lower. For a plaintiff, such representative must have final authority, in the representative's own discretion, to authorize dismissal

of the case with prejudice, or to accept a settlement amount down to the defendant's last offer.

The purpose of this requirement is to have in attendance a representative who has both the authority to exercise his or her own discretion and the realistic freedom to exercise such discretion without negative consequences, in order to settle a case during the conference without consulting someone else who is not present.

Counsel appearing for the conference without their client representatives authorized as described above, will cause the settlement conference to be canceled or rescheduled. The non-complying party/attorney or both may be assessed the costs or expenses incurred by other parties and the court as a result of such cancellation, as well as any additional sanctions deemed appropriate by the court. Counsel are responsible for timely advising any involved non-party insurance company of the requirements of this order.

s/ Malachy E. Mannion

MALACHY E. MANNION
United States Magistrate Judge

Dated: June 14, 2004

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